

**V. REMARKS**

Claim 8 is rejected under 35 USC 112, second paragraph, as being indefinite for failing to particular point out and distinctly claim the subject matter of the invention. The claim is amended to obviate the rejection. Withdrawal of the rejection is respectfully requested.

Claims 2 and 4 are rejected under 35 U.S.C. 102(b) as anticipated by Walker (U.S. Patent No. 4,007,851). The rejection is respectfully traversed.

Walker discloses a cap of the type having a shell with integral top and side walls, a knurl region adjacent to the top wall, and with threads provided on the side wall for engagement with the threaded neck of a bottle to contain pressurized fluids. The threads are limited to about 1.25 turns. The cap includes venting openings in the side wall contiguous to the knurl region for releasing the pressure within the closure sufficiently to prevent missing of the cap when the closure is initially turned to unthread it from the bottle.

Claim 2, as amended, is directed to metal cap for a container with the metal cap having a top part and a side part connected to and extending peripherally around the top part to form a generally cylindrically shaped cavity with a packing disposed in the cavity and contacting the top part and an upper portion of the side part adjacent the top part. Claim 2 recites that the metal cap have an upper outer perimeter, a lower outer perimeter and a knurl part with slits with the knurl part formed between the upper outer perimeter and the lower outer perimeter with the slits disposed adjacent the upper outer perimeter so as to release outside an inner pressure of the container generated from contents contained therein. Claim 2 also recites that the knurl part comprises plural of knurls having slits disposed adjacent the upper outer perimeter and at least one communicating slit disposed adjacent the upper outer perimeter is formed in a gap between the adjacent knurls communicating the adjacent slits to form a long width slit. Additionally, claim 2 recites that the slits and the at least one communicating slit are formed about the side part, extend through the side part adjacent the upper portion of the side part and are disposed apart from the packing.

It is respectfully submitted that the rejection is improper because the applied art fails to teach each element of claim 2. Specifically, it is respectfully submitted that the applied art fails to teach a metal cap having a top part and a side part connected to and extending peripherally around the top part to form a generally cylindrically shaped cavity with a packing disposed in the cavity and contacting the top part and an upper portion of the side part adjacent the top part and slits and at least one communicating slit formed about the side part, extending through the side part adjacent the upper portion of the side part and disposed apart from the packing. As a result, it is respectfully submitted that claim 2 is allowable over the applied art.

Claim 4 depends from claim 4 and includes all of the features of claim 2. Thus, it is respectfully submitted that claim 4 is allowable at least for the reason claim 2 is allowable as well as for the features it recites.

Withdrawal of the rejection is respectfully requested.

Claims 1, 3 and 8 are rejected under 35 U.S.C. 102(b) as anticipated by Megowen (U.S. Patent No. 4,611,723). The rejection is respectfully traversed.

Megowen teaches a container closure that includes a shell, a threaded portion, an axially expandable section in said shell and a safety section. The shell has top and side walls and is disposable over an opening in a container. The threaded portion is formed in said side wall for engaging threads on the container. The safety section is formed in the side wall below the expandable section for provisionally securing the shell to a fixed element on the container at least until said expandable section expands.

Claim 1, as amended, is directed to a metal cap for a container with the metal cap having a top part and a side part connected to and extending peripherally around the top part to form a generally cylindrically shaped cavity with a packing disposed in the cavity and contacting the top part and an upper portion of the side part adjacent the top part. Claim 1 recites that the metal cap has a knurl part with slits formed on an outer perimeter thereof so as to release outside an inner pressure of the container generated from contents contained therein. Additionally, claim 1 recites that the knurl part comprises plural of knurls

having short width slits and at least one knurl having a long width slit with the knurl having long width slit being formed in a mixture with the knurls having short width slits. Further, claim 1 recites that the plural of knurls having short width slits and the knurl having the long width slit are formed on and about the side part, the short width slits and the long width slit extending through the side part adjacent the upper portion of the side part yet disposed apart from the packing.

It is respectfully submitted that the rejection is improper because the applied art fails to teach each element of claim 1 as amended. Specifically, it is respectfully submitted that the applied art fails to teach a metal cap having a top part and a side part connected to and extending peripherally around the top part to form a generally cylindrically shaped cavity with a packing disposed in the cavity and contacting the top part and an upper portion of the side part adjacent the top part and plural of knurls having short width slits and the knurl having the long width slit formed on and about the side part with the short width slits and the long width slit extending through the side part adjacent the upper portion of the side part yet disposed apart from the packing. As a result, it is respectfully submitted that claim 1 is allowable over the applied art.

Claim 8, as amended, is directed to a metal cap for a container with the metal cap having a top part and a side part connected to and extending peripherally around the top part to form a generally cylindrically shaped cavity with a packing disposed in the cavity and contacting the top part and an upper portion of the side part adjacent the top part. Claim 8 recites that the metal cap has a knurl part that includes plural of knurls with slits formed on an outer perimeter thereof so as to release outside an inner pressure of the container generated from contents contained therein. Also, claim 8 recites that a long slit longer than the slits formed on the plural of knurls is formed between consecutive ones of the knurls and the slits and the long slit are formed about the side part, extend through the side part adjacent the upper portion of the side part and are disposed apart from the packing.

It is respectfully submitted that the rejection is improper because the applied art fails to teach each element of claim 8 as amended. Specifically, it is

respectfully submitted that the applied art fails to teach a metal cap having a top part and a side part connected to and extending peripherally around the top part to form a generally cylindrically shaped cavity with a packing disposed in the cavity and contacting the top part and an upper portion of the side part adjacent the top part and a long slit longer than the slits formed on the plural of knurls being formed between consecutive ones of the knurls and the slits and the long slit being formed about the side part, extending through the side part adjacent the upper portion of the side part and disposed apart from the packing. As a result, it is respectfully submitted that claim 8 is allowable over the applied art.

Claim 3 depends from claim 1 and includes all of the features of claim 1. Thus, it is respectfully submitted that claim 3 is allowable at least for the reason claim 1 is allowable as well as for the features it recites.

Withdrawal of the rejection is respectfully requested.

Newly-added claims 9-11 also include features not shown in the applied art.

In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same, the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

Date: June 2, 2006

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Enclosure(s):       Amendment Transmittal

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